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AUG 21 2006

Docket No.: 50-03-022 (EDSC01-50027)

Serial No. 10/732,977

Patent

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REMARKS

Claims 1-21 are pending in the application. All claims were rejected, and all rejections are traversed.

CLAIM REJECTIONS -- 35 U.S.C. §102

Claims 1-21 were rejected under 35 U.S.C. §102(e) as being anticipated by *Teper* (U.S. Patent No. 5,815,665, hereinafter *Teper*).

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (*Fed. Cir.* 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (*Fed. Cir.* 1985)).

Independent claim 1 requires, among other limitations, that the services are provided within an enterprise common operating environment. Independent claims 8 and 15 include similar limitations. These limitations are not taught or suggested by *Teper*.

*Teper* does disclose a system that appears to centrally manage billing and authorization (collectively, "brokering") for various service providers (SPs). However, *Teper* teaches in column 4 that each of the services are actually provided by different, individual web sites, and not in an enterprise common operating environment, as described and claimed in the present application. In fact, this teaching of *Teper* is directly away from an enterprise common operating environment.

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The Examiner now makes an argument that "enterprise" is not a patentable distinction, and makes a series of unsupported statements, including that "it teaches that providing services in such an operating environment was already old and well known at the time of the invention disclosed in the prior art." Teper teaches nothing of the sort.

Nothing in Teper teaches or suggests that anything is "common" to the operating environments. In an anticipation rejection, it is the Examiner's burden to show that the claimed invention is identically taught by the cited reference. The Examiner is invited to show any teaching in Teper of any common operating environment, whether within a single enterprise or not.

Further, each of the independent claims requires sending a list of available services to be displayed to a user, the list of available services including pricing information for at least some available services. Nothing in Teper teaches or suggests this feature. While Teper does mention that the "Online Broker site" may also have a "directory of services available", nothing in Teper teaches or suggests that this directory includes pricing information, and nothing else in Teper teaches or suggests this limitation either. The Examiner appears to ignore this limitation, as it is not addressed at all in the Office Action.

As all independent claims include limitations not taught or suggested by the art of record, all rejections are traversed.

All rejections are traversed, and prompt reconsideration and allowance is respectfully requested.

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CONCLUSION


As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.

Date: 8/21/06  
Matthew S. Anderson  
Reg. No. 39,093

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: *manderson@munckbutrus.com*